



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.
MARSEANN FARRUGIA**

Sitting of the 26 th November, 2011

Number 1317/2011

**The Police
(Insp Kylie Borg)**

vs.

Nicolas David Samuel Bertrand

The Court,

Having seen the charges brought against Nicolas David Samuel Bertrand, 39 years, French national, son of Jean and JOsianne nee' Gauriat, born in Gennevilliers on the 13th November 1972 and residing in Blossoms Court, Flat 4, Triq il-Battaljun San Gwann, holder of ID Card number 66654 (A)

Charged with having on these Islands on the 24th November 2011, at about 18.15hrs, at Papannis Restaurant situated at Strait Street, Valletta,

1. with intent to commit a crime of grievous bodily harm, manifested such intent by overt acts followed by a commencement of the execution of the crime, which crime was not completed in consequence of the voluntary determination of the offender not to complete the crime of attempting to cause grievous bodily harm on the person of Renald Pisani;
2. attempted to use force against Renald Pisani, with intent to insult, annoy or hurt such person or others;
3. wilfully committed to spoil, damage or injury to or upon any movable or immovable property belonging to Renald Pisani which damages sum up to 469.50 Euro.
4. uttered, insulted or threatened Renald Pisani
5. uttered blasphemous words or expressions in public
6. wilfully disturbed the public good order or the public peace

After having heard the evidence and seen all the records of the case.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, that he has a clean criminal record, he did not complete the crime of grievous bodily harm in consequence of his own voluntary determination and he fully co-operated with the police.

The Court, after seeing Sections 41(b), 216, 339(1), 325, 339(1)(e), 338(bb), 342 and 338(dd) of Chapter 9 of the

Laws of Malta, finds the accused guilty as charged, and condemns him to one (1) year imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of two (2) years from to-day, in terms of Section 28A(1) of Chapter 9.

In accordance with Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period. The Court orders that the records of this case together with this judgement be sent to the Attorney General, within the time-limit prescribed by law.

< Final Judgement >

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